

CLEAN VERSION OF REWRITTEN, ADDED, AND/OR CANCELLED

CLAIMS PURSUANT TO 37 C.F.R. §1.121 (c)(1)(i)

IN THE CLAIMS:

Please amend the following claims:

AI

9. (New) The method of Claim 1 wherein said safe and effective amount of conjugated linoleic acid is about 0.1 grams to 20 grams.

Status of the Application

Claims 1-3, 7 and 9 are pending in the present application. Claim 9 has been amended. This claim has been amended without acquiescing to Examiner's arguments, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG)¹, and without waiving the right to prosecute the unamended (or similar) claims in another application. The amendment made to Claim 8 is not intended to narrow the scope of the Claim within the meaning of *Festo*².

The following rejections are at issue and are set forth by number in the order in which they are addressed:

- 1) Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite; and
- 2) Claims 1-3, 7 and 9 are rejected under 35 U.S.C. §103(a), as allegedly obvious over Langer and Udall.

Applicants believe that the present amendments and the following remarks traverse the Examiner's rejection of the claims.

1. The Indefiniteness Rejection is Improper

Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite.

What? a response was provided. See O. A. Applicants traversed this rejection in their previous Amendment and Response. However, the Examiner apparently failed to consider these arguments as the Examiner did not provide a response to Applicants' arguments. Nevertheless, for business reasons and in order to further the prosecution of Claim 9, and without acquiescing to the Examiner's reasoning, Applicants have amended Claim 9 to recite 0.1 grams.

¹ 65 Fed. Reg. 54603 (September 8, 2000).

² *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753646 (Fed. Cir. 2000).